

EXHIBIT 1

General Civil and Domestic Relations Case Filing Information Form

☐ Superior or ☒ State Court of GWINNETT County

For Clerk Use Only

Date Filed _____
MM-DD-YYYYCase Number 21-C-03058-S1

Plaintiff(s)

CRENSHAW, TINA

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Plaintiff's Attorney R. WALKER GARRETT

Defendant(s)

HUNTER, NORMAN

Last First Middle I. Suffix Prefix

USA TRUCK, INC.

Last First Middle I. Suffix Prefix

ACE AMERICAN INSURANCE COMPANY

Last First Middle I. Suffix Prefix

Last First Middle I. Suffix Prefix

Bar Number 626132 Self-Represented ☐

Check One Case Type in One Box

General Civil Cases

- ☒ Automobile Tort
- ☐ Civil Appeal
- ☐ Contract
- ☐ Garnishment
- ☐ General Tort
- ☐ Habeas Corpus
- ☐ Injunction/Mandamus/Other Writ
- ☐ Landlord/Tenant
- ☐ Medical Malpractice Tort
- ☐ Product Liability Tort
- ☐ Real Property
- ☐ Restraining Petition
- ☐ Other General Civil

Domestic Relations Cases

- ☐ Adoption
- ☐ Dissolution/Divorce/Separate Maintenance
- ☐ Family Violence Petition
- ☐ Paternity/Legitimation
- ☐ Support – IV-D
- ☐ Support – Private (non-IV-D)
- ☐ Other Domestic Relations

Post-Judgment – Check One Case Type

- ☐ Contempt
- ☐ Non-payment of child support, medical support, or alimony
- ☐ Modification
- ☐ Other/Administrative

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- ☐ Is an interpreter needed in this case? If so, provide the language(s) required. _____
Language(s) Required

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

TINA CRENSHAW,)	
Plaintiff,)	CIVIL ACTION
)	
vs.)	FILE NO.: <u>21-C-03058-S1</u>
)	
NORMAN HUNTER, USA)	
TRUCK, INC., and ACE)	JURY TRIAL DEMANDED
AMERICAN INSURANCE)	
COMPANY,)	
Defendants.)	

COMPLAINT FOR DAMAGES

COMES NOW Plaintiff, Tina Crenshaw, and makes and files this Complaint for Damages against Defendants Norman Hunter, USA Truck, Inc., and ACE American Insurance Company, as follows:

PARTIES AND JURISDICTION

1.

Plaintiff is a citizen of the State of Tennessee and by bringing this action, subjects herself to the jurisdiction of this court.

2.

Defendant NORMAN HUNTER is a citizen and resident of the State of Texas, whose last known residence is 6016 W Lake Creed Road, Riesel, McLennan County, Texas 76682. Defendant is subject to the venue and jurisdiction of this Court by virtue of the fact that Defendants USA Truck, Inc. and ACE American Insurance Company have registered agents located in Gwinnett County.

3.

Defendant Norman Hunter is subject to the jurisdiction of this court.

4.

Defendant Norman Hunter has been properly served with process in this action.

5.

Defendant USA TRUCK, INC. (hereinafter "Defendant USA Truck") is a Foreign Profit Corporation with its principal place of business located in Arkansas and may be served through its registered agent CT Corporation System, 289 S Culver Street, Lawrenceville, Gwinnett County, Georgia.

6.

Defendant USA Truck is subject to the jurisdiction of this court.

7.

Defendant USA Truck has been properly served with process in this action.

8.

Defendant ACE AMERICAN INSURANCE COMPANY (hereinafter "Defendant ACE") is a Foreign Insurance Company with its principal place of business in Pennsylvania and may be served through its registered agent CT Corporation System, 289 S Culver Street, Lawrenceville, Gwinnett County, Georgia.

9.

Defendant ACE is subject to the jurisdiction of this court.

10.

Defendant ACE has been properly served with process in this action.

11.

Jurisdiction and venue are proper in this court.

BACKGROUND

12.

On or about January 20, 2020, Plaintiff was the passenger of a 2011 Ford Fusion which was being operated in a prudent and careful manner and was traveling northbound on I-75/85 in the third lane from the right in Fulton County, Georgia.

13.

On the above-mentioned date, Defendant Hunter was operating a 2016 International Prostar owned by Defendant USA Truck, and was also traveling northbound on I-75/85 in the fourth lane from the right when he negligently, recklessly, carelessly and unlawfully entered into Plaintiff's lane of travel, causing his vehicle to collide with the rear of the vehicle occupied by Plaintiff.

14.

On the above-mentioned date and time, Defendant Hunter was an agent or employee of Defendant USA Truck, Inc., and working within the scope of his employment.

15.

On this date, Defendant Hunter was operating the 2016 International Prostar on behalf of Defendant USA Truck, Inc.

16.

At the time of the incident, Defendant Hunter had Defendant USA Truck's express or implied permission to drive the 2016 International Prostar on behalf of Defendant USA Truck, Inc.

17.

Defendant USA Truck should have been aware of Defendant Hunter's unsafe driving habits.

18.

Defendant Hunter negligently maintained the aforementioned 2016 International Prostar and specifically violated O.C.G.A. § 40-6-123.

19.

Defendant Hunter negligently maintained the aforementioned 2016 International Prostar and specifically violated O.C.G.A. § 40-6-241.

20.

Defendant Hunter negligently maintained the aforementioned 2016 International Prostar and specifically violated O.C.G.A. § 40-6-390.

21.

By reason of the foregoing, Plaintiff Tina Crenshaw suffered injuries and damages including but not limited to:

- a. Personal injuries;
- b. Pain and suffering;
- c. Disability;
- d. Mental anguish;
- e. Loss of the capacity for the enjoyment of life;
- f. Impaired ability to labor;
- g. Past medical expenses of at least \$105,261.68, present, and future medical expenses;
- h. Permanent injuries;
- i. Incidental expenses; and
- j. Consequential damages to be proven at trial.

COUNT 1
NEGLIGENCE: NORMAN HUNTER

22.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 21 above as if fully restated.

23.

The collision was caused by the negligence of Defendant Hunter.

24.

Defendant Hunter was issued a citation for improper lane change, in violation of O.C.G.A. § 40-6-123.

25.

At all times relevant hereto, Defendant Hunter owed a duty of care to Plaintiff to operate his vehicle in accordance with ordinary care and diligence, as defined under O.C.G.A. § 51-1-2; and Defendant Hunter breached that duty to which he owed to Plaintiff.

26.

Defendant Hunter's negligence is a proximate cause of the collision, and Plaintiff's resulting injuries.

COUNT 2
NEGLIGENCE: USA TRUCK, INC.

27.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 26 above as if fully restated.

28.

At all relevant times, Defendant Hunter was employed by Defendant USA Truck, Inc. and was acting within the scope of his employment at the time of the accident.

29.

Defendant Hunter negligently maintained the aforementioned 2016 International Prostar.

30.

Defendant USA Truck had knowledge that Defendant Hunter was incompetent to drive or habitually reckless and allowed him access to the motor vehicle anyway.

31.

Defendant USA Truck failed to conduct proper background checks before hiring Defendant Hunter and allowed him access to its motor vehicle anyway.

32.

Defendant USA Truck negligently hired Defendant Hunter despite the fact that Defendant Hunter was incompetent to drive and habitually reckless and allowed him access to its 2016 International Prostar anyway.

33.

Defendant USA Truck is liable for the acts and omissions of Defendant Hunter as Defendant USA Truck, Inc.'s agent and employee at the time of the collision-in-suit under the theory of *respondeat superior*.

34.

Defendant USA Truck's negligent act of allowing Defendant Hunter to operate its vehicle was the proximate cause of this wreck.

COUNT 3:
IMPUTED LIABILITY

35.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 34 above as if fully restated.

36.

At the time of the subject collision, Defendant Norman Hunter was employed by Defendant USA Truck, Inc.

37.

At the time of the subject collision, Defendant Hunter was operating his vehicle on behalf of Defendant USA Truck, Inc.

38.

Liability is imputed to Defendant USA Truck, Inc. as an intrastate motor carrier, and pursuant to federal and state laws, is responsible for the actions of Defendant Norman Hunter in regard to the collision and incident described in this complaint under the doctrines of lease liability, agency or apparent agency and *respondeat superior*.

COUNT 4:
NEGLIGENT HIRING, TRAINING & SUPERVISION

39.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 38 above as if fully restated.

40.

Defendant USA Truck, Inc. was negligent in hiring, screening, employing, training and supervising Defendant Norman Hunter and entrusting him to drive their 2016 International Prostar.

41.

Defendant USA Truck, Inc. was negligent in failing to properly train Defendant Norman Hunter.

42.

Defendant USA Truck, Inc. was negligent in failing to properly supervise Defendant Hunter.

43.

Defendant USA Truck, Inc.'s negligence in hiring Defendant Hunter and entrusting him with driving a commercial vehicle and failing to train and supervise him properly was the sole and proximate cause of the collision, and Plaintiff's resulting injuries.

44.

Defendant USA Truck, Inc. is liable for tortuously failing to properly instruct, train and supervise Defendant Hunter as its employee and/or agent.

45.

Defendant USA Truck, Inc. is accountable for independent negligence in that it aided, abetted, encouraged or required violation of 49 C.F.R. § 393.75, which is negligence as a matter of law.

46.

Defendant USA Truck, Inc. is accountable for independent negligence in that it failed to provide safety management as required by various provisions of the Federal Motor Carrier Safety Regulations.

47.

Defendant USA Truck, Inc. is accountable for independent negligence related to violations of such additional provisions of Georgia law and the Federal Motor Carrier Safety Regulations as may be determined through discovery and proven at trial.

COUNT 5:
DIRECT ACTION

48.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 47 above as if fully restated.

49.

Defendant ACE American Insurance Company is subject to a direct action as the insurer for Defendant USA Truck, Inc. pursuant to O.C.G.A. § 40-2-140 or its predecessor O.C.G.A. § 46-7-12.1.

50.

Defendant ACE American Insurance Company is subject to a direct action as the insurer for USA Truck, Inc. pursuant to O.C.G.A. § 40-2-140 or its predecessor O.C.G.A. § 46-7-12.1.

51.

Defendant ACE American Insurance Company was the insurer of Defendant USA Truck, Inc. at the time of the subject incident and issued a liability policy to comply with the filing requirements under Georgia law for intrastate transportation.

52.

Defendant ACE American Insurance Company and Defendant USA Truck, Inc., is subject to the filing requirements outlined in O.C.G.A. § 40-2-140 or its predecessor O.C.G.A. § 46-7-12.1.

53.

Defendant ACE American Insurance Company is responsible for any judgment rendered against Defendant USA Truck, Inc., and Defendant Hunter up to its policy limits of coverage.

COUNT 6:
DAMAGES

54.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs 1 through 53 above as if fully restated.

55.

As a direct and proximate result of Defendants' negligence, Plaintiff sustained personal injuries, special damages, and general damages, including at least \$105,261.68 in past medical expenses, for which she is entitled to be compensated by Defendants in an amount to be determined at trial.

56.

As a direct and proximate result of the combined and concurrent negligent acts and omissions of all Defendants, Plaintiff will continue to suffer both general and special damages in the future, including expenses for future medical treatment, the exact amount to be proven at trial.

57.

Defendants' negligence is the sole and proximate cause of Plaintiff's injuries.

WHEREFORE, Plaintiff prays that she has a trial on all issues and judgment against defendants as follows:

- (a) Summons and Complaint be served upon Defendants according to the law;
- (b) Plaintiff recover from Defendant a sum of damages to compensate her for her injuries and damages, including, but not limited to, her medical expenses (past and future), and pain and suffering (past, present, and future), as aforesaid;
- (c) That Plaintiff recover for physical and mental pain and suffering in an amount to be determined by the enlightened conscience of a jury;
- (d) All costs of this action be taxed against Defendants; and
- (e) That Plaintiff recover such other and further relief as is just and proper.

Respectfully submitted this 20th day of April, 2021.

By: /s/ R. Walker Garrett
R. Walker Garrett
Attorney for Plaintiff
Georgia Bar No. 626132

Morgan & Morgan Atlanta, PLLC
408 12th Street – Suite 200
Columbus, Georgia 31901
Phone: (706) 324-1227
Fax: (706) 324-1228

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

TINA CRENSHAW,)	
Plaintiff,)	CIVIL ACTION
)	
vs.)	FILE NO. <u>21-C-03058-S1</u>
)	
NORMAN HUNTER, USA)	
TRUCK, INC., and ACE)	JURY TRIAL DEMANDED
AMERICAN INSURANCE)	
COMPANY,)	
Defendants.)	

CERTIFICATE OF SERVING DISCOVERY MATERIAL

COMES NOW, Plaintiff herein, and pursuant to the local rules of court hereby certifies that a true and correct copy of the following documents were served upon defendant via hand delivery attached to Summons and Complaint:

1. PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT USA TRUCK, INC.
2. PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT NORMAN HUNTER
3. PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS TO DEFENDANT ACE AMERICAN INSURANCE COMPANY
4. PLAINTIFF'S FIRST CONTINUING INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT NORMAN HUNTER
5. PLAINTIFF'S FIRST CONTINUING INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT USA TRUCK, INC.
6. PLAINTIFF'S FIRST CONTINUING INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT ACE AMERICAN INSURANCE COMPANY

Respectfully submitted this 20th day of April, 2021.

By: /s/ R. Walker Garrett
R. Walker Garrett
Attorney for Plaintiff
Georgia Bar No. 626132

Morgan & Morgan Atlanta, PLLC
408 12th Street – Suite 200
Columbus, Georgia 31901
Phone: (706) 324-1227

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Tina Crenshaw

Plaintiff

VS.

Norman Hunter

Defendant

Civil Action
Number 21-C-03058-S1

FILED IN OFFICE
CLERK STATE COURT
GWINNETT COUNTY, GA
2021 APR 21 PM 4:39
TIANA P. GARNER, CLERK

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

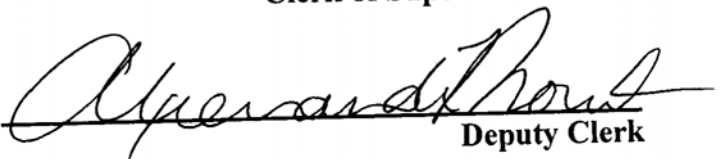
R Walker Garrett
Morgan & Morgan Atlanta PLLC
Ste 200
408 12th St
Columbus Ga 31901

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 21st day of April, 2021

Tiana P. Garner,
Clerk of Superior Court

By:


Deputy Clerk

INSTRUCTIONS: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.
SC-1 Rev. 2011

21-C-03058-S1

5/11/2021 1:21 PM
TIANA P. GARNER, CLERKIN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIATINA CRENSHAW,
Plaintiff,

CIVIL ACTION

vs.

FILE NO.: 21-C-03058-S1NORMAN HUNTER, USA
TRUCK, INC., and ACE
AMERICAN INSURANCE
COMPANY,
Defendants.

JURY TRIAL DEMANDED

SUMMONS**TO: USA TRUCK, INC.**
CT Corporation System
289 S Culver Street
Lawrenceville, Gwinnett County, Georgia

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

R. Walker Garrett
Morgan & Morgan Atlanta, PLLC
408 12th Street, Suite 200
Columbus, Georgia 31901
(706) 324-1227

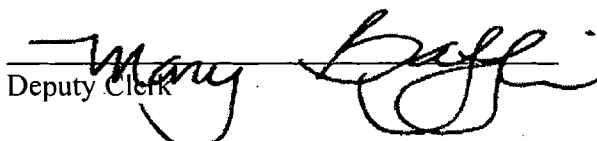
an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 11th day of MAY, 2021.

Tiana P Garner
Clerk of State Court

By

Deputy Clerk



21-C-03058-S1**5/11/2021 1:21 PM**
TIANA P. GARNER, CLERKIN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIATINA CRENSHAW,
Plaintiff,

CIVIL ACTION

vs.

FILE NO.: **21-C-03058-S1**NORMAN HUNTER, USA
TRUCK, INC., and ACE
AMERICAN INSURANCE
COMPANY,
Defendants.

JURY TRIAL DEMANDED

SUMMONS**TO: ACE American Insurance Company**
CT Corporation System
289 S Culver Street
Lawrenceville, Gwinnett County, Georgia

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

R. Walker Garrett
Morgan & Morgan Atlanta, PLLC
408 12th Street, Suite 200
Columbus, Georgia 31901
(706) 324-1227

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 11th day of MAY, 2021.**Tiana P Garner**

Clerk of State Court

By


Deputy Clerk

21-C-03058-S1

5/11/2021 1:21 PM
TIANA P. GARNER, CLERKIN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIATINA CRENSHAW,
Plaintiff,

CIVIL ACTION

vs.

FILE NO.: 21-C-03058-S1NORMAN HUNTER, USA
TRUCK, INC., and ACE
AMERICAN INSURANCE
COMPANY,
Defendants.

JURY TRIAL DEMANDED

SUMMONS**TO: NORMAN HUNTER**
6016 W Lake Creed Road
Riesel, McLennan County, Texas 76682

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

R. Walker Garrett
Morgan & Morgan Atlanta, PLLC
408 12th Street, Suite 200
Columbus, Georgia 31901
(706) 324-1227

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 11th **MAY** day of _____, 2021.

Tiana P Garner
Clerk of State Court

By

Mary Buff
Deputy Clerk

